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Hearing Date: May 18, 2022, 10:00 a.m.
Opposition Date: April 12, 2022
Reply Date: May 12, 2022

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR
PROTECTION CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC, and Bernard
L. Madoff,

Plaintiff,

v.

THE SUMITOMO TRUST AND
BANKING CO., LTD,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02573 (CGM)

ORAL ARGUMENT REQUESTED

**NOTICE OF HEARING ON
DEFENDANT'S MOTION TO DISMISS**

PLEASE TAKE NOTICE that on February 11, 2022, Defendant The Sumitomo Trust and Banking Co., Ltd. (“Sumitomo”), by and through its undersigned counsel, filed a motion (the “Motion”) for an order dismissing the amended complaint filed by plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure. The Motion will be heard before the Honorable Cecelia G. Morris, Chief United States Bankruptcy Judge for the United States Bankruptcy Court, Southern District of New York, on **May 18, 2022 at 10:00 a.m. (prevailing Eastern time)** (the “Hearing”), or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE that, pursuant to THE Court’s directive, all hearing will be conducted remotely pending further Order of the Court. All parties who wish to participate in the Hearing must refer to Judge Morris’s guidelines for remote appearances and are required to make arrangements to appear via ZoomGov. For further details on ZoomGov, please call the Courtroom Deputy at (845) 451-6367. Further instructions regarding remote appearances via ZoomGov can be found on the Court’s website at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

PLEASE TAKE FURTHER NOTICE that if you oppose the relief requested in the Motion, you are required to file a written response (“Response”), and to serve

the Response on Sumitomo's counsel, Becker, Glynn, Muffly, Chassin & Hosinski LLP, 299 Park Avenue, New York, NY 10171, Attn: Zeb Landsman, zlandsman@beckerglynn.com, so that it is received by **April 12, 2022** (the "Response Deadline"). If a Response is filed to the Motion, Sumitomo shall file its reply by May 12, 2022.

PLEASE TAKE FURTHER NOTICE that you need not appear at the Hearing if you do not object to the relief requested in the Motion.

Dated: New York, New York
February 11, 2022

**BECKER, GLYNN, MUFFLY,
CHASSIN & HOSINSKI LLP**

By: /s/ Zeb Landsman
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